

SECOND REGULAR SESSION

SENATE BILL NO. 1223

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS DOUGHERTY AND KENNEDY.

Read 1st time February 4, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4410S.01I

AN ACT

To repeal section 453.025, RSMo, and to enact in lieu thereof one new section relating to guardian ad litem fees.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 453.025, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.025, to read as follows:

453.025. 1. The court shall, in all cases where the person sought to be adopted is under eighteen years of age, appoint a guardian ad litem, if not previously appointed pursuant to section 210.160, RSMo, to represent the person sought to be adopted.

2. When the parent is a minor or incompetent, the court shall appoint a guardian ad litem to represent such parent.

3. **The guardian ad litem may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.**

4. The guardian ad litem shall:

(1) Be the legal advocate for the best interest of the party he is appointed to represent with the power and authority to cross-examine, subpoena witnesses, and offer testimony;

(2) Initiate an appeal of any disposition that he determines to be adverse to the interests of the party he represents; and

(3) Ascertain the child's wishes, feelings and attitudes regarding the adoption by interviewing persons with knowledge of the child, and if appropriate, to meet with the child.